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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,937

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Walter Reist

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EXAMINER

CUMBESS, YOLANDA R

ART UNIT

PAPER NUMBER

3651

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/598,937	<b>Applicant(s)</b> REIST, WALTER	
	<b>Examiner</b> YOLANDA CUMBESS	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) 26 and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20-25, 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/15/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 16 objected to because of the following informalities: It appears as if claim 16 should depend from claim 15. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 11, 14, 18, 21-22, 25, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Relative to claims 1 and 28, it is unclear as to whether Applicant is including the "connecting body". Applicant should use the word "comprising" or "including" to clearly recite each claim element.

Relative to claims 11 and 14, it is unclear whether Applicant is claiming both the "engagement grooves" and the "guide grooves", or whether these elements are the same element.

Relative to claim 21, it is unclear whether Applicant intends to include the "means for the attachment of means". Also, it is unclear as to what Applicant means by "means for attachment of means for temporarily holding articles..."

Relative to claim 22, it is not clear whether the conveying body includes an additional connecting means for connecting the bodies since Applicant also uses the word "connecting body" in claim 1.

Relative to claim 25, it is unclear what Applicant means by "utilization of the device for the conveyance of flat products..."

Appropriate clarification is needed.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-18, 20-25, and 28 (as understood by the Examiner) are rejected under 35 U.S.C. 102(b) as being anticipated by Rheinmetall (DE1273415). Relative to claims 1-3, 7-18, 20-25, and 28, Rheinmetall discloses a conveying device comprising: at least one conveying body (2)(Fig. 1) as well as, rolling bodies in operational connection with the conveying body (2), wherein the rolling bodies comprise a plurality of rollers (4)(Fig. 2) and the rolling bodies are arranged between guide rails (1)(Fig. 1)

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and the at least one conveying body in such a manner that the rollers (4), during displacement of the at least one conveying body (2), are rotatable, wherein the conveying device is operable with curvatures in different directions of curvature (see Fig. 1), and wherein one connecting body (4) per rolling body (1, 1') is present such that the connecting bodies (4) determine a distance between the rollers (2), and that guide rails (1) and conveying bodies (2) are loosely guided with respect to one another; a plurality of conveying bodies (2), which are arranged between rolling bodies (see near Ref. 4) and guiding rails (1) such that the rollers (4) are freely rotatable when shifting at least one conveying body (2); wherein two rolling bodies (4) are arranged opposite one another at a straight angle relative to one conveying body or to several conveying bodies (2) and are operatively connected with the conveying body or the conveying bodies (2) and the guide rails (1)(Fig. 2); the connecting bodies (2) comprise receptacles (Page 1, Para. 14, "cage-like receptacles near Ref. 3") and that the rolling bodies (4) are supported in these receptacles and are rotatable around an axis, wherein the axis (see axis near Ref. 13) is particular by pointed cones formed on the rollers (4); the axes respectively are arranged on one side of a ribbon-shaped connecting body (5) and that on these axes, the rollers (4) are freely rotatable; the connecting bodies (5)(Fig. 2) of the rolling bodies consist of an elastic material (Para. 14); at least one rolling body consists of balls (4); the operational connection between rolling bodies (4) and the at least one conveying body (2) or a plurality of conveying bodies (2) is achieved by engagement grooves (3)(Fig. 2), respectively, guide grooves for the engagement of rollers (4) or balls of the rolling bodies; the rolling bodies (4) are connected together as

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a unit transverse to the direction of conveyance; the rolling bodies (4) are connected together as a unit transverse to the direction of conveyance with an elastic means of connection (Para. 14); the operational connection between rolling bodies and the at least one conveying body (2) or ,a plurality of conveying bodies (2) is effected by contact grooves (3), respectively, guide grooves for the engagement of rollers (4) or balls of the rolling bodies; two guide rails (1) form a unit (Fig. 2); conveying bodies (2), for the engagement in one of the two guide rails (1), comprise movable rollers (4) or fixed rollers; the conveying bodies (2) for the engagement in one of the two guide rails (1) comprise a guide groove (3) for the rollers (4); each rolling body (4) consists of unconnected rollers and the rollers are arranged in a receptacle for rolling bodies in spacer cages not connected with one another (Para. 14); the rolling bodies (4) comprise axle elements (see near Ref. 13) and the rollers (4) are rotatably arranged around these axle elements; means (5) for the attachment of means for temporarily holding articles to be conveyed are provided on the conveying bodies (2); wherein conveying bodies (2) are connected to one another with a connecting means (5) for the conveying bodies; the conveying device (Fig. 1) is a device closed in itself, in which all conveying bodies (2) are in engagement with one another and the rolling bodies as well as the guide rails (1) lead back into themselves (Fig. 1); the conveying bodies (2) are designed in such a manner that they are capable of being driven by means of a drive (7, 8)(Page. 2, Para. 2); the device is utilized for the conveyance of flat products, preferably printed products (Fig. 1); a conveying device comprising: at least one conveying body (2) as well as, a rolling body in operational connection with the conveying body (2), wherein the rolling

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body comprises a plurality of rollers (4) and the rolling body is arranged between guide rails (1) and the at least one conveying body (2) in such a manner that the rollers (4), during displacement of the at least one conveying body (2), are rotatable, wherein the conveying device (2) is operable with curvatures in different directions of curvature (Fig. 1), and further comprising one connecting body (5) such that the connecting body (5) determines a distance between the rollers (4), and that guide rails (1) and conveying bodies (2) are loosely guided with respect to one another, and wherein the at least one conveying body (2) rolls up over the rolling body on a first side of the guide rail (1), and the at least one conveying body (2) comprises further rollers (4), which roll on a second side of the guide rail (1)(Fig. 1-2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 (as understood by the Examiner) is rejected under 35 U.S.C. 103(a) as being unpatentable over Rheinmetall in view of Gartner Franz (EP0338500).

Rheinmetall discloses all claim limitations, but does not expressly disclose: two rolling bodies are arranged not at a straight angle relative to one conveying body or to several conveying bodies.

Gartner teaches two rolling bodies (6, 7)(Fig. 1) are arranged, not at a straight angle relative to one conveying body or to several conveying bodies for the purpose of providing a overhead hanging conveyor with support members that are simpler, safer, and more endurable (Page. 1, Para. 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Rheinmetall with the rolling bodies arranged not at a straight angle as taught in Gartner for the purpose of providing an overhead hanging conveyor with support members that are simpler, safer, and more endurable.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rheinmetall in view of Buldini (US Patent No. 3,690,433). Relative to claims 5-6, Reference A discloses all claim limitations, but does not expressly disclose: three rolling bodies are arranged relative to at least one conveying body in such a manner that mutually supporting one another they act to oppose the forces which the at least one conveying body exerts on the rolling bodies and for their part support themselves on the guide rails; or a third rolling body is arranged at a right angle to the at least one conveying body.

Buldini teaches: three rolling bodies (40, 24)(Fig. 2) are arranged relative to at least one conveying body (see near Ref. 34) in such a manner that mutually supporting one another they act to oppose the forces which the at least one conveying body exerts on the rolling bodies (40, 24) and for their part support themselves on the guide rails



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(46, 48); and a third rolling body (24)(Fig. 2-3) is arranged at a right angle to the at least one conveying body for the purpose of providing a pallet conveyor system for moving workpieces or other articles from one work station to another that is capable of accelerating and decelerating (Col. 2, lines 10-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Rheinmetall with the third rolling body as taught in Buldini for the purpose of providing a pallet conveyor system for moving workpieces or other articles from one work station to another that is capable of accelerating and decelerating.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOLANDA CUMBESS whose telephone number is (571)270-5527. The examiner can normally be reached on MON-THUR 9AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GENE CRAWFORD can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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